



City of San Bernardino
201 North E Street
San Bernardino, CA 92401
<http://www.sbcity.org>

Mayor Helen Tran
Council Members
Theodore Sanchez
Sandra Ibarra
Juan Figueroa
Fred Shorett
Ben Reynoso
Kimberly Calvin
Damon L. Alexander

Draft Minutes

For the
Regular Meeting of the Mayor and City Council
of the City of San Bernardino, Mayor and City Council of the City of San Bernardino
Acting as the Successor Agency to the Redevelopment Agency, Mayor and City Council
of the City of San Bernardino Acting as the Successor Housing Agency to the
Redevelopment Agency, Mayor and City Council of the City of San Bernardino Acting
as the Housing Authority, and Mayor and City Council of the City of San Bernardino
Acting as the San Bernardino Joint Powers Financing Authority

WEDNESDAY, MAY 15, 2024
4:00 PM

Closed Session was called to order at 4:01 PM by Mayor Helen Tran on Wednesday,
May 15, 2024, at Feldheym Central Library, San Bernardino, CA.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Theodore Sanchez	Council Member, Ward 1	Present	
Sandra Ibarra	Council Member, Ward 2	Present	
Juan Figueroa	Mayor Pro-Tem, Ward 3	Present	4:02 PM
Fred Shorett	Council Member, Ward 4	Present	
Ben Reynoso	Council Member, Ward 5	Present	4:04 PM
Kimberly Calvin	Council Member, Ward 6	Present	4:02 PM
Damon L Alexander	Council Member, Ward 7	Present	Via Zoom for Closed Session
Helen Tran	Mayor	Present	
Charles A. Montoya	City Manager	Present	
Sonia Carvalho	City Attorney	Present	
Genoveva Rocha	City Clerk	Present	
Courtney Bowen	Deputy City Clerk	Present	

4:00 P.M.**CLOSED SESSION PUBLIC COMMENT**

There were no public comments for Closed Session.

CLOSED SESSION**A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Pursuant to *Government Code* Section 54956.9(a) and (d)(1)):

i. Promise Gracia, et al. v. City of San Bernardino, et al., San Bernardino Superior Court Case No. Case No. CIVSB2301828

5:00 P.M.

The Regular Meeting was called to order at 5:01 PM by Mayor Pro Tem Fred Shorett on Wednesday, May 15, 2024, at Feldheym Central Library, San Bernardino, CA

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Steve Anderson of Spirit of our Savior Lutheran Church led the invocation, and Charlie Martinez from Norton Elementary School led the Pledge of Allegiance to the Flag.

CLOSED SESSION REPORT

City Attorney Sonia Carvalho advised that there was no reportable action from Closed Session.

APPOINTMENTS**1. Animal Control Commission Appointment of Laura Mitchell (Ward 5)**

City Clerk Genoveva Rocha administered the Oath of Office to Ms. Laura Mitchell.

RESULT:	APPROVED THE APPOINTMENT [8-0]
MOVER:	Fred Shorett, Council Member, Ward 4
SECONDER:	Ben Reynoso, Council Member, Ward 5
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander, and Mayor Tran
NOES:	None

PRESENTATIONS**2. Proclamation for San Bernardino Festival Day in the City of San Bernardino – May 4, 2024 (All Wards)**

Mayor Tran presented the proclamation to various members of the community involved in Festival, and Parks and Recreation Director Lydie Gutfeld.

3. May 2024 Citizen(s) of Month San Bernardino- Symphony Orchestra; Donna Marie Minano, President, San Bernardino Symphony Orchestra; Maestro Anthony Parnter, Music Director, San Bernardino Symphony Orchestra; Arrowhead Country Club; Michael Winn, General Manager/Owner, Arrowhead Country Club; and Fariel Winn, General Manager/Owner, Arrowhead Country Club

Council Member Alexander presented the Citizens of the Month.

At this time, the Agenda was re-ordered, and Public Comments for items listed and not listed on the agenda were heard, followed by the Consent Calendar.

PUBLIC COMMENTS FOR ITEMS LISTED AND NOT LISTED ON THE AGENDA

Margaret Medrano spoke about her father's grave at Pioneer Cemetery being vandalized.

Al Palazzo provided his ideas for development and growth in Downtown.

James Smith provided updates about the Native Sons of the Golden West society.

Selina Maldonado asked the Mayor and City Council to support animal advocates.

Dolores Armstead spoke about the City's investigation regarding a City Manager candidate. She also spoke in opposition to Item No. 30.

Luis Ojeda commented that he believes Code Enforcement is harassing business owners in the City.

Treasure Ortiz spoke about ADA accommodations, the State of the City event, the homeless situation, and City Hall financing.

James Penman reminded everyone about the Chamber of Commerce's annual Law Enforcement Dinner on May 22nd.

Sarah Torquato asked for more support for the animals at the animal shelter.

Barbara Whitehorn stated that she is the former Finance Director for the City, and her employment was terminated that morning. She asked the Mayor and City Council to review the financing and cost of the City Hall project.

Ben Salgado, Vice President of KKC Little League, requested repairs and maintenance at the baseball fields.

Alan Stanly encouraged people to vote, and spoke about the City's budget for the animal shelter.

Anthony Palomino commented in support of Ben Salgado and the KKC Little League.

Rikke Van Johnson asked that the Charter Review Committee be reinstated before the new City Council members are elected in November 2024.

Mike Hartley spoke about abandoned vehicles, Code Enforcement, and licensing for animals.

The following students and teachers from Akoma Unity Center’s “Drip’d Scholars” Water Treatment Program spoke about the knowledge they have gained regarding water pollution, purification, and distribution:

Jennifer Xicara, Teacher	Lukee Thorpe	Soleil Campo
Allan Campo	Kiana Wilson	Liliana Wilson
Ian Vargas	Axel Vargas	Caleb Zacarias
Alaysha Nash	Amaya Barnes	Emily Vasquez
“Ms. Butterfly”, Teacher		

Ayajpae Singh stated that he has been harassed by Code Enforcement at his transport business.

Abraham Cortinez also commented that his transport business has been harassed by Code Enforcement.

Georgia Lykouretzos asked for support for the homeless and animal welfare crises.

Kim Knaus spoke about homelessness and asked for collaborative efforts.

CONSENT CALENDAR

Items on the Consent Calendar are considered routine and are voted on in a single motion unless a council or staff member has pulled the item for more discussion.

Prior to hearing the Consent Calendar, City Manager Charles Montoya announced that Items 8, 13, and 27 were being pulled from the agenda. He also announced at this time that Item No. 28 would be pulled from the Discussion Calendar as well.

RESULT:	APPROVED THE CONSENT CALENDAR AND PULLED ITEMS 7, 12, AND 25 FOR A SEPARATE VOTE. ITEMS 8, 13, AND 27 WERE PULLED FROM THE AGENDA BY THE CITY MANAGER [7-0]
MOVER:	Fred Shorett, Council Member, Ward 4
SECONDER:	Damon Alexander, Council Member, Ward 7
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

7. Authorize and Appropriate Funding for Animal Services for the Preparation of the Regional Partnership Agreements (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-096:

1. Authorizing the Director of Finance and Management Services to amend the FY 2023/24 operating budget by \$350,000 to cover the cost of salary and benefits of additional positions added as a result of the Regional Partnership Agreements for Animal Services; and
2. Increase the Animal Services department authorized full-time position count from 40 to 71.

Council Member Sanchez asked that this item be continued to the next regular meeting, to allow staff to provide either "Letters of Intent" or signed contracts from the Regional Partners.

Council Member Alexander was not present at the dais for the vote on this item.

RESULT: ITEM CONTINUED TO THE NEXT REGULAR MEETING OF JUNE 5, 2024. DIRECTED STAFF TO PROVIDE SIGNED LETTERS OR CONTRACTS FOR SERVICES FROM THE REGIONAL ANIMAL SERVICES PARTNERS AT THAT TIME [6-0]

MOVER: Theodore Sanchez, Council Member, Ward 1

SECONDER: Sandra Ibarra, Council Member, Ward 2

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin

NOES: None

ABSENT: Alexander

8. Mayor and City Council After Action Report from the May 1, 2024, Meeting (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, ratify the changes made to staff recommendations during the May 1st, 2024, Mayor and City Council Meeting as documented in the attached After Action Report (All Wards)

Although this item had previously been pulled by the City Manager, there was discussion amongst the Mayor and City Council and staff regarding clarification of this item.

City Manager Montoya advised that previous action by the Mayor and City Council on Item No. 2 on the May 1, 2024 agenda, violated federal rules and HUD's CDBG guidelines, and therefore was being brought back before the Council to address the incompatibilities.

Senior Management Analyst William Lampi gave an overview about Public Service Programs related to CDBG funding for public facilities projects. He advised that this

topic would be further discussed in depth as part the discussion for the Public Hearing Item No. 5: Adopt Fiscal Year 2024-25 Annual Action Plan for the Community Development Block Grant, HOME Investment Partnership and Emergency Solutions Grant Programs.

The additional item mentioned in the “After Action Report” (Agenda Item No 18 from the May 1, 2024 agenda: Peace Officer Housing Incentive Program), was not discussed by the Mayor and City Council during this discussion.

RESULT: THIS ITEM WAS PULLED FROM THE AGENDA BY THE CITY MANAGER.

9. Accept Donation Funds from Stater Bros. Charities for KFROG Public Service Announcements (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-097:

1. Accepting a donation in the amount of \$42,500 from Stater Bros. Charities; and
2. Authorizing the Director of Finance and Management Services to amend the FY 2023/24 budget in both revenues and expenses and appropriate \$42,500 to be used towards animal shelter programs and services.

RESULT: ADOPTED RESOLUTION No. 2024-097 [7-0]
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Damon Alexander, Council Member, Ward 7
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

10. Authorize Amendment No. 1 to Purchase Agreement with Victor Medical (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-098, authorizing:

1. The Director of Finance and Management Services to amend the FY 2023/24 Animal Services budget in the amount of \$150,000, appropriated for expenses, and;
2. The City Manager to execute Amendment No. 1 to the contract with Victor Medical, increasing the annual contract amount by \$150,000 for an annual total of \$300,000 for Veterinary Medical Supplies.

RESULT: ADOPTED RESOLUTION No. 2024-098 [7-0]
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Damon Alexander, Council Member, Ward 7
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

11. Approve Amendment #1 to the Community Action Partnership of San Bernardino County (CAPSBC) Professional Services Agreement for the Mobile Shower Program (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of San Bernardino, California, approve Amendment No. 1 to the Vendor Services Agreement (VSA) with the Community Action Partnership of San Bernardino County (CAPSBC) for a one (1) year term extension to continue the Mobile Shower Program.

RESULT:	APPROVED STAFF'S RECOMMENDATION [7-0]
MOVER:	Fred Shorett, Council Member, Ward 4
SECONDER:	Damon Alexander, Council Member, Ward 7
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

12. Development Code Amendment (Zoning Map Amendment) 20-05 – Amazing 34 Project (Second Reading and Adoption of Ordinance No. MC-1637)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California accept the final reading and adopt Ordinance No. MC-1637 of the Mayor and City Council of the City of San Bernardino, California, approving Development Code Amendment (Zoning Map Amendment) 20-05 changing the Zoning District Classification from Office Industrial Park (OIP) to Industrial Light (IL) of two (2) parcels containing a total of approximately 3.84 acres, pursuant to a Mitigated Negative Declaration (Attachment 1).

Council Member Reynoso asked for more information on this item.

Community Development and Housing Director Gabriel Elliott clarified that this item had been previously discussed during the introduction of the Ordinance on May 1, 2024. He stated that this warehouse was a replacement for one that had been burnt down on the same property. It was previously used as office space and would now be a warehouse.

RESULT:	ADOPTED ORDINANCE No. MC-1637 [4-3]
MOVER:	Fred Shorett, Council Member, Ward 4
SECONDER:	Juan Figueroa, Council Member, Ward 3
AYES:	Sanchez, Figueroa, Shorett, Alexander
NOES:	Ibarra, Reynoso, Calvin

13. San Bernardino Soccer Complex Lease Assignment Agreement with World Sports Solutions International, LLC (Ward 2)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-099, authorizing the City Manager to execute the Assignment and Consent to Assignment Lease Agreement with World Sports Solutions

International, LLC, for 2500 Pacific Street, San Bernardino, California; assigning the lease from San Bernardino Soccer, LLC, to World Sports Solutions International, LLC.

RESULT: THIS ITEM WAS PULLED FROM THE AGENDA BY THE CITY MANAGER; NO ACTION TAKEN

14. Approval of Commercial and Payroll Disbursements (All Wards)
Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California approve the commercial and payroll disbursements for April 2024.

RESULT: APPROVED STAFF'S RECOMMENDATION [7-0]
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Damon Alexander, Council Member, Ward 7
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

15. Fiscal Year 2024-25 Assessment Levies for Previously Formed Assessment Districts (All Wards)
Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt the following Resolutions, declaring intention to levy and collect assessments for Fiscal Year 2024-25 within various assessment districts within the City of San Bernardino, approving Engineer's Reports for each assessment district and providing notice of the time and place of the public hearing on July 17, 2024 on proposed assessments in each assessment district:

1. Resolution No. 2024-100 for Assessment Districts Nos. 951 (Zone 1), 951 (Zone 2), 952 (Zones 1, 2 and 2A), 952 (Zone 3), 953, 956, 959 (Zone 1), 962, 963, 968, 974, 975, 976, 981, 982, 986, 989, 991, 993, 997, 1001, 1002, 1005, 1007, 1012 and 1016; and
2. Resolution No. 2024-101 for Assessment District Nos. 1017, 1019, 1020, 1023, and 1024; and
3. Resolution No. 2024-102 for Assessment District No. 1022 and Zones 1, 2, and 3 thereof; and
4. Resolution No. 2024-103 for Assessment District Nos. 1025, and 1027; and
5. Resolution No. 2024-104 for Assessment District Nos. 1028, 1029, 1030, 1031, 1032, 1035 (Zone 1), 1035 (Zone 2), 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043 (Zone 1), 1043 (Zone 2), 1045, 1046, 1047, 1048, 1050, 1052, 1054, 1055, 1056, 1057, 1059, 1060, 1063, 1064 and 1068.

RESULT: ADOPTED RESOLUTION Nos. 2024-100, 2024-101, 2024-102, 2024-103, AND 2024-104 [7-0]
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Damon Alexander, Council Member, Ward 7
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

16. Request to Update the Existing Travel Authority and Expense Policy (All Wards)
Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-105 revising the Travel Authority and Expense Policy as recommended by the City Manager.

RESULT: ADOPTED RESOLUTION NO. 2024-105 [7-0]
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Damon Alexander, Council Member, Ward 7
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

17. Library Wi-Fi and Network Upgrade (All Wards)

Recommendation:

It is recommended the Mayor and City Council of the City of San Bernardino, California:

1. Authorize the City Manager to execute a vendor services agreement with Sehi Computer Products, Inc. to replace the Library's Wi-Fi network at all four library locations along with other network upgrades; and
2. Authorize the Director of Finance and Management Services to approve a purchase order in the amount not to exceed \$177,938 to replace the Library's Wi-Fi system, network switches and other hardware including installation; and
3. Authorize the project contingencies in the total amount of \$17,994 for construction of the Project; and
4. Authorize the City Manager or designee to expend the contingency fund, if necessary, to complete the project.

RESULT: APPROVED STAFF'S RECOMMENDATION [7-0]
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Damon Alexander, Council Member, Ward 7
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

18. Accept the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoors Access for All Act Per Capita Grant Award for Hernandez Community Center Gymnasium Project (Ward 1)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt resolution 2024-106:

1. Authorizing the City Manager or his designee to accept the award for California Drought, Water, Parks, Climate, Coastal Protection, and Outdoors Access for All Act Per Capita Grant Award for Hernandez Community Center Gymnasium Project, for the amount of \$177,952;
2. Authorizing the City Manager or his designee to conduct all negotiations, signing, and submittals of necessary documents to receive Per Capita Grant awards; and
3. Authorizing the Director of Finance and Management Services to amend the FY 2023/24 Operating Budget in the amount of \$177,952 in both revenue and expenditures to appropriate the Per Capita Grant Award.

RESULT:	ADOPTED RESOLUTION No. 2024-106 [7-0]
MOVER:	Fred Shorett, Council Member, Ward 4
SECONDER:	Damon Alexander, Council Member, Ward 7
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

19. 2022-2025 Retired and Senior Volunteer Program (RSVP) – Third year of a Three Year Grant Award (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt resolution No. 2024-107 to:

1. Authorize the City Manager to approve a continuation of submitted budget application for year three of a three-year grant through the National and Community Services Retired and Senior Volunteer Program;
2. Authorize the City Manager to accept the grant award in the amount of \$57,309;
3. Authorize the City Manager or their designee to conduct all negotiations, signing and submittals of necessary documents to receive grant awards; and
4. Authorize the Director of Finance and Management Services to appropriate the grant funds for the period of April 1, 2024 (\$14,327.25 in FY 23-24) through March 31, 2025 (\$42,981.75 in FY 24-25)

RESULT:	ADOPTED RESOLUTION No. 2024-107 [7-0]
MOVER:	Fred Shorett, Council Member, Ward 4
SECONDER:	Damon Alexander, Council Member, Ward 7
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

20. Amendment to Increase Purchase Order with Law Enforcement Medical Services (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

- 1. Authorize the City Manager to execute Amendment No.1 to the Professional Services Agreement with Law Enforcement Medical Services (LEMS), increasing the not to exceed amount by \$30,000, for a total contract amount of \$130,000; and
- 2. Authorize the Director of Finance and Management Services to increase the purchase order for Law Enforcement Medical Services to an amount not to exceed \$130,000.

RESULT:	APPROVED STAFF’S RECOMMENDATION [7-0]
MOVER:	Fred Shorett, Council Member, Ward 4
SECONDER:	Damon Alexander, Council Member, Ward 7
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

21. Annual Military Equipment Report and Approve Future Purchases (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

- 1. Receive and file the Department’s annual military equipment use report; and
- 2. Approve the Department’s request to acquire additional life-saving equipment in accordance with Assembly Bill 481.

RESULT:	APPROVED STAFF’S RECOMMENDATION [7-0]
MOVER:	Fred Shorett, Council Member, Ward 4
SECONDER:	Damon Alexander, Council Member, Ward 7
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

22. Amendment No. 2 to Agreement with Anser Advisory Management, LLC (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

- 1. Authorize the City Manager or designee to Approve Amendment No 2. to the Professional Services Agreement with Anser Advisory Management, LLC, for the project of Upgrade Various Signal Hardware at 224 Signalized Intersections on Various Arterials, for construction management and inspection services, as well as extending the agreement until December 30, 2024.

RESULT: **APPROVED STAFF'S RECOMMENDATION [7-0]**
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Damon Alexander, Council Member, Ward 7
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

23. Approve Stop Signs at Various Locations - Wards (1,2, 3,4,5)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, Adopt Resolution No. 2024-108;

1. Authorizing the City Manager and or designee to amend Resolution No. 655 entitled, in part, "A Resolution... designating certain streets or portions thereof as through highways..." and authorizing the establishment of stop control at the following intersections:

- i. Gardena St. & Vine St.
- ii. Santolinas St. & Pampas Ave.
- iii. Cherry St. & Pampas Ave.
- iv. Morgan Rd. & Teton St.
- v. Argyle Ave. & 18th St.
- vi. Piedmont Dr. & Seine Ave.
- vii. Acacia Ave. & 35th St.
- viii. Dover St. & Louise St.

RESULT: **ADOPTED RESOLUTION NO. 2024-108 [7-0]**
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Damon Alexander, Council Member, Ward 7
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

24. Award of Professional Services Agreement for Pavement Management Program and Asset Inventory (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Approve the award of an Agreement with Nicols Consulting Engineers in the amount of \$820,300 for Pavement Management Program and Asset Inventory (Project); and
2. Authorize the project contingencies and staff time in the total amount of \$123,045 for completion of the Project; and
3. Authorize the City Manager or designee to execute all documents with Nicols Consulting Engineers; and
4. Authorize the City Manager or designee to expend the contingency fund, if necessary, to complete the project.

RESULT:	APPROVED STAFF'S RECOMMENDATION [7-0]
MOVER:	Fred Shorett, Council Member, Ward 4
SECONDER:	Damon Alexander, Council Member, Ward 7
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

25. Award of Agreement for Construction of Clean California Grant 4th Street Beautification and Landscape Project SS 22-008 (Ward 1)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Approve the award of an Agreement with SDC Engineering, Inc. in the amount of \$340,617.30 for the Clean California Grant 4th Street Beautification and Landscape (Project); and
2. Authorize the project construction, construction contingencies, and construction management costs in the total amount of \$40,000 for construction of the Project; and
3. Authorize the City Manager or designee to execute all documents with SDC Engineering, Inc.; and
4. Authorize the City Manager or designee to expend the contingency fund, if necessary, to complete the project.

Council Member Sanchez asked for details regarding the bid, grant amount, and changes in the Scope of Work. Council Member Alexander inquired about local vendor preference for one of the bidders.

Deputy Director of Public Works/City Engineer Azzam Jabsheh clarified the budget and the funding, including the plan for using the amount of excess grant funds. City Manager Montoya stated that he did not know if the vendor received the local preference, but he would check the requirements provided by the State for this particular grant because they may preclude the City's rules for local vendor preference.

RESULT:	APPROVED STAFF'S RECOMMENDATION [7-0]
MOVER:	Theodore Sanchez, Council Member, Ward 1
SECONDER:	Damon Alexander, Council Member, Ward 7
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

26. Increase Annual Purchase Order for Fairview Ford (All Wards)
Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino California Adopt Resolution No. 2024-109

1. Authorizing the Director of Finance & Management Services to approve an increase in the purchase order for Fairview Ford from \$230,000 to a new not to exceed amount of \$300,000; and

2. Authorizing the extension of the purchase order agreement with the option for another five years of single year annual renewal, through fiscal year 2028/2029

RESULT:	ADOPTED RESOLUTION NO. 2024-109 [7-0]
MOVER:	Fred Shorett, Council Member, Ward 4
SECONDER:	Damon Alexander, Council Member, Ward 7
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

27. Approve Final Tract Map No. 17329-4 (Ward 5)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, Adopt Resolution No. 2024-110:

1. Approving Final Tract Map No. 17329-4 (Subdivision 05-40) involving the subdivision of the parcel (APN 0348-111-51) containing 24.68 acres into twenty (20) single family lots at the northwest corner of N. Little League Drive and W. Ohio Avenue; and
2. Accepting the public dedications as set forth on said map; and
3. Authorizing execution of the standard form of agreement for the subdivision improvements.

RESULT:	This item was pulled by the City Manager; No action taken
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At this time, Public Hearings (Items 4-6) were heard. Prior to the opening of Public Hearings, City Attorney Sonia Carvalho made a statement regarding “Whistleblower” protections and what it entails, in response to a former employee that made a public comment earlier in the meeting.

PUBLIC HEARINGS

4. Presentation of the City Manager’s Proposed Fiscal Year 2024/25 and Fiscal Year 2025/26 Budget (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino:

1. Conduct the Public Hearing on the proposed Fiscal Years 2024/25 and 2025/26 Operating Budget and Capital Improvement Plan;
2. Receive and file the proposed budget for Fiscal Years 2024/25 and 2025/26 Operating and Capital Improvement Plan presentation and provide direction to staff.

Mayor Tran opened the public hearing at 7:10 PM.

Deputy Director of Finance, Jeannie Fortune, along with Budget Manager Zuyva Ruiz and City Engineer Jabsheh, provided the presentation.

There were two public speakers:

Treasure Ortiz asked the Mayor and City Council to not move forward with this item at this time, due to the concerns from the council and public regarding the City's financial status and City Manager Montoya's actions.

Al Palazzo asked the Mayor and City Council to work with him and listen to his ideas for rebuilding the City.

Council Members discussed waiting to approve the budget, considering all of the information that has been provided. Topics included cannabis revenue, increased hiring, increased compensation for staff, and a status on the pending Strategic Initiatives that the Mayor and City Council introduced in September 2023.

Council Member Sanchez asked that staff bring back an Employee Control Document that shows all filled, vacant, and budgeted staff positions. He also asked that staff provide a comparison of this year's biennial budget to the proposed budget, so the council can see what has changed. Council Member Shorett seconded the motion.

Council Member Reynoso asked that an update also be brought forward regarding the details of the Strategic Plan approved by Council in 2023, and how those recommendations correlate with the current proposed budget.

RESULT: CONTINUED PUBLIC HEARING TO JUNE 5, 2024, AND PROVIDED DIRECTION TO STAFF TO RETURN AT THAT TIME WITH: 1. AN "EMPLOYEE CONTROL DOCUMENT" THAT SHOWS BUDGETED FULL-TIME POSITIONS VS. FILLED POSITIONS; 2. A COMPARISON OF THE PROPOSED BUDGET WITH THE 'STATUS QUO' BUDGET; AND 3. PROVIDE AN UPDATE ON THE PREVIOUS COUNCIL RECOMMENDATIONS MADE ACCORDING TO THE STRATEGIC PLAN, IN COMPARISON TO THE PROPOSED BIENNIAL BUDGET [7-0]

MOVER: Ben Reynoso, Council Member, Ward 5

SECONDER: Kimberly Calvin, Council Member, Ward 6

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

NOES: None

5. Adopt Fiscal Year 2024-25 Annual Action Plan for the Community Development Block Grant, HOME Investment Partnership and Emergency Solutions Grant Programs (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Approve and adopt the Fiscal Year 2024-25 Annual Action Plan for the Community Development Block Grant, HOME Investment Partnership, and Emergency Solutions Grant Programs; and
2. Adopt Resolution No. 2024-094, authorizing the acceptance and allocation of the Fiscal Year 2024-25 Annual Action Plan; and
3. Authorize the Director of Finance and Management to adjust the Fiscal

Year 2024-2025 Budget appropriation to align with the Fiscal Year 2024-25 Annual Action Plan allocation; and

4. Authorize the City Manager or designee to take any further actions and execute any further documents as necessary to effectuate the submittal of the Fiscal Year 2024-2025 Annual Action Plan and certification to the U.S. Department of Housing and Urban Development.

City Manager Montoya informed that this item would encompass discussion for Item No. 8.

Mayor Tran left the dais prior to the opening of the Public Hearing. Mayor Pro Tem Shorett opened the public hearing at 8:17 PM.

Senior Management Analyst William Lampi provided a presentation. He clarified the allocations previously recommended by the Mayor and City Council on May 1, 2024 for CDBG funding for public facilities projects. He informed that some of the funds for facilities are flexible in their spending options, but the funding for services or programs are not. Staff made updates to the Annual Action Plan based on the recommendations made by the Mayor and City Council, and pursuant to the Federal Code of Regulations and H.U.D (Department of Housing and Urban Development) guidelines.

There were no public speakers.

The public hearing was closed by Mayor Pro Tem Shorett at 8:27 PM.

There was discussion amongst the City Council regarding the software and staffing needs for the vendors, and distribution of the Public Facility funds being allocated as needed.

RESULT: CDBG ANNUAL ACTION PLAN APPROVED AS PART OF STAFF'S RECOMMENDATION; APPROVED STAFF RECOMMENDATION AND ADOPTED RESOLUTION NO. 2024-094 [7-0]

MOVER: Theodore Sanchez, Council Member, Ward 1

SECONDER: Sandra Ibarra, Council Member, Ward 2

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

NOES: None

6. Imposing Liens on Certain Parcels of Real Property for Unpaid Business Registration Taxes and Penalties (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Conduct a public hearing to receive public comment on the matter; and
2. Adopt Resolution No. 2024-095 of the Mayor and City Council of the City of San Bernardino, California, imposing liens on certain parcels of real property for unpaid business registration taxes and penalties; and
3. Authorize the Director of Finance and Management Services to remove

any properties from the Business Registration Lien List (Exhibit A to the Resolution) which are resolved prior to the hearing.

Mayor Pro Tem Shorett opened the public hearing at 8:33 PM.

Deputy Finance Director Jeannie Fortune and Business Registration Manager Minerva Berumen provided a presentation.

There were five public speakers:

Robin Steele, Inocencio Rodriguez, and Hilal Boukansoul all inquired about the status of their properties that were issued liens. Manager Berumen informed that she would assist them at the close of the Public Hearing.

Alan Stanly commented that the process of imposing liens on businesses is not beneficial to the City.

Luis Ojeda stated that this process is discouraging for local businesses.

The public hearing was closed at 8:49 PM.

Council Member Sanchez inquired as to whether liens can be removed if the business complies. Manager Berumen confirmed that they can, as long as the owner contacts the Business Registration department.

RESULT:	APPROVED STAFF RECOMMENDATION AND ADOPTED RESOLUTION NO. 2024-095 [7-0]
MOVER:	Theodore Sanchez, Council Member, Ward 1
SECONDER:	Damon Alexander, Council Member, Ward 7
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

CITY MANAGER UPDATE

There was no City Manager update, but City Manager Montoya announced at this time that discussion items No. 29 and 30 would be removed from the agenda, in addition to Item No. 28 that was pulled earlier in the meeting.

DISCUSSION

28. Consideration of the Third Amendment to the City's Exclusive Franchise Agreement for Integrated Solid Waste Collection, Processing and Disposal Services with Burrtec Waste Industries, Inc. (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-111 approving the Third Amendment to the City's Exclusive Franchise Agreement for Integrated Solid Waste Collection, Processing and Disposal Services with Burrtec Waste Industries, Inc.

RESULT: This item was pulled by the City Manager; No action taken

29. City Hall Renovation Project Step 1 (Ward 1)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino:

- a. Authorize the City Manager to move forward with Step 1 of the San Bernardino City Hall Renovation Project; and
- b. Authorize the execution of the Joint Exercise Power Agreement between the City of San Bernardino, and the San Bernardino City Housing Authority; and
- c. Adopt Resolution 2024-090; of the City of San Bernardino authorizing the creation of the City of San Bernardino Financing Authority and certain other matters pertaining thereto; and
- d. Adopt Resolution 2024-091; declaring intent to issue tax exempt obligations to be used to reimburse the City for expenditures it may incur prior to the bond issuance.

RESULT: APPROVED TO REMOVE ITEM FROM AGENDA, PER THE CITY MANAGER (7-0)

MOVER: Fred Shorett, Council Member, Ward 4

SECONDER: Kimberly Calvin, Council Member, Ward 6

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

NOES: None

DISCUSSION - SAN BERNARDINO CITY HOUSING AUTHORITY ITEM

30. Authorizing the Execution of a Joint Exercise Powers Agreement with the City of San Bernardino and Adopting Resolution No. SBHA/2024-1 of the San Bernardino City Housing Authority Authorizing the City of San Bernardino Financing Authority

Recommendation:

It is recommended that the San Bernardino City Housing Authority:

- a. Authorize the execution of the Joint Exercise Power Agreement between the San Bernardino City Housing Authority and the City of San Bernardino; and
- b. Adopt Resolution SBHA/2024-1 of the San Bernardino City Housing Authority authorizing the creation of the City of San Bernardino Financing Authority and certain other matters pertaining thereto.

RESULT: APPROVED TO REMOVE ITEM FROM AGENDA, PER THE CITY MANAGER (7-0)
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Kimberly Calvin, Council Member, Ward 6
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

ITEMS TO BE CONSIDERED FOR FUTURE MEETINGS

31. Taxpayer Protection Act (All Wards) – Council Member Alexander

Council Member Alexander stated that San Bernardino is the only City in the County does not have a Taxpayer Protection Act, and he would like it to be considered.

RESULT: APPROVED FOR CONSIDERATION AT A FUTURE MEETING [7-0]
MOVER: Ben Reynoso, Council Member, Ward 5
SECONDER: Kimberly Calvin, Council Member, Ward 6
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

MAYOR & CITY COUNCIL UPDATES/REPORTS ON CONFERENCES & MEETINGS

At this time the Mayor and City Council provided updates to the community. Highlights included a Celebration of Life for community member Mike Gallo, the Police Chief's luncheon, the "Dodger Dream Fields" Grand Opening, and the recent State of the County event.

ADJOURNMENT

The meeting of the Mayor and City Council was adjourned on Wednesday, May 15 2024, at 9:14 PM, in honor of Law Enforcement Memorial Day, as well as the passing of community member Mike Gallo. The next Regular Meeting of the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency will be held on will be held on June 5, 2024, at the Feldheim Central Library located at 555 West 6th Street, San Bernardino, California 92401. Closed Session will begin at 4:00 PM and the Open Session will begin at 5:00 PM.



Genoveva Rocha, CMC, City Clerk